

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, :

v.

:
NO. 3:05-CR-64

LOUIS PAGNOTTI, III,

:
CHIEF JUDGE VANASKIE

Defendant.

:
ELECTRONICALLY FILED

**BRIEF IN SUPPORT OF MOTION FOR BILL OF
PARTICULARS PURSUANT TO FED. R. CRIM. P. 7(f)**

I. Introduction

Pagnotti asserts that he cannot assess the possibility of a challenge to the Indictment based upon the statute of limitations without further explanation by the prosecution regarding the dates of the alleged activities.

II. Standard of Review

Whether to grant a bill of particulars lies in the discretion of the trial court, and denial is reviewed for abuse of discretion. United States v. Eufrasio, 935 F.2d 553, 575 (3d Cir. 1991).

III. Facts

Louis Pagnotti, III was Indicted on February 9, 2005. The Indictment also charges a co-defendant, Frank Pavlico III. Defendant Pagnotti is charged with

conspiracy to commit money laundering, 18 U.S.C. § 1956(h), count 1; money laundering, 18 U.S.C. § 1956(a)(1)(B)(i) and aiding, 18 U.S.C. § 2, counts 5-19; misprision of a felony, 18 U.S.C. § 4, count 20; and obstruction, 18 U.S.C. § 1512(c)(1), and aiding, 18 U.S.C. § 2, count 21; and forfeiture, 18 U.S.C. § 982, count 22.

The Indictment cites a conspiracy from “on or about the summer of 1999 and continuing to the present, in Lackawanna and Luzerne Counties, Pennsylvania and within the Middle District of Pennsylvania and elsewhere. . . .” See, Indictment, page 6, paragraph 2.

In substantive counts alleged Pagnotti the Indictment asserts the start of the criminal conduct to be “On or about December 1999 to October 2000. . . a series of financial transactions” (Indictment, p. 11, paragraph 2); however, in the subsequent counts 5-15, there are no substantive allegations which predate March 2000.

IV. Argument

The purpose of the bill of particulars is to inform the defendant of the nature of the charges brought against him to adequately prepare his defense, to avoid surprise during trial and to protect him against a second prosecution for an inadequately described offense. United States v. Addonizio, 451 F.2d 49, 63 (3d Cir. 1971).

Pagnotti represents that he cannot clearly determine the issue of statute of limitations based upon the pleadings in the current Indictment. Additionally Pagnotti asserts that the ambiguity of the dates in the Indictment present potential double jeopardy hazards.

The Indictment cites a conspiracy from “on or about the summer of 1999 and continuing to the present, in Lackawanna and Luzerne Counties, Pennsylvania and within the Middle District of Pennsylvania and elsewhere. . . .” See, Indictment, page 6, paragraph 2.

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V. Conclusion

Pagnotti requests a Bill of Particulars regarding these issues to identify whether there are acts which are precluded by the statute of limitations, as well as, to protect against double jeopardy.

Respectfully submitted,

/s/ Patrick A. Casey

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Date: April 1, 2005

CERTIFICATE OF SERVICE

I, PATRICK A. CASEY, hereby certify that a true and correct copy of the foregoing Brief in Support of Motion for Bill of Particulars was served upon all counsel of record by electronic mail on this 1st day of April, 2005, to the following:

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